

**REMARKS**

This Amendment and Request for Reconsideration is submitted in response to an outstanding Office Action dated November 16, 2005, the shortened statutory period for response set to expire on February 16, 2006. Accordingly, no extension of time or fee are believed due. In the event that the Commissioner determines that an extension of time is required, the undersigned hereby petitions for such extension of time, and authorizes the Commissioner to charge the Milbank deposit account 13-3250 for any required fee .

I. Status of the Claims

Please amend claims 1, and 9-12 as indicated above. Claims 1-12 are now pending in the application. Claims 1, 9, 10, 11, and 12 are independent claims.

Applicants acknowledge the Examiner's citation of statutory authority as a basis for claim rejections.

II. Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1 - 12 under 35 U.S.C. § 103(a) as being unpatentable over Steinman et al. ("Object Technology's ENVY/Developer") ("Steinman") in view of Chu-Carroll ("Supporting distributed collaboration through Multidimensional Software Configuration Management," 4/2001) ("Chu").

**Claims 1-8**

With respect to claim 1, the Examiner states that Steinman discloses all of the claim limitations except the actual multi repository environment. The Examiner relies on Chu for a teaching that distributed code development was known in the art of software development and management. The Examiner's stated motivation for modifying Steinman to incorporate Chu was to allow programmers to develop and manage applications in a geographically distributed

environment.

Applicants respectfully traverse the rejection. First, applicants do not admit that Chu is prior art under 35 U.S.C. §§ 102 or 103 to the instant application. Chu is an undated article. The Examiner relies on what appears to be a directory listing that includes a date of 24-April-2001 as proof of the publication date for Chu. The Examiner has provided no proof that Chu actually existed on that date, or that Chu was actually available to the public on that date.

Even if Chu is prior art under 35 U.S.C. §§ 102 or 103, the combination of Steinman and Chu fails to disclose or suggest all of the elements of claim 1. Claim 1 is directed to a method for managing software code development across a plurality of software code repositories. The plurality of software code repositories comprises at least two software code repositories. In the method, concurrent software code development of functional development packages is initiated in the at least two software code repositories. This concurrent software code development is without requiring software code check-out in any of the at least two software code repositories. The functional development packages are approved within each of the at least two software code repositories, and omissions or conflicts are identified between the approved functional development packages in the at least two software code repositories. Omissions or conflicts are resolved between the functional development packages in the at least two software code repositories, and the functional development packages are released.

Paragraph [0020] of the specification explains that a code check-out development process is one technique to manage potentially conflicting changes by different developers. Using such a code check-out process, a developer checks a particular software module or section out and makes changes to the code while the code is checked-out. Once the changes are made, the module or section is checked-in and another developer can then check-out the module to

make further changes. In such a check-out technique, two developers are unable to make concurrent changes on the same module because only one developer can have the module checked-out at a time.

In Chu, where two developers are going to make changes in a module, a check-out technique helps to ensure that the changes do not conflict. After the first developer makes changes and checks a module in, a second developer can check the module out and that second developer will see all of the changes previously made by the first developer. Because the second developer can see all of the first developer's changes, there is less possibility for conflict. However, in systems that require code check-out the second developer is not able to make their changes until the first developer has checked the module back in.

By contrast, claim 1 allows concurrent changes by multiple developers at the same time without requiring check-out of the code. This is illustrated in FIG. 2. with two parallel development paths. Concurrent development without requiring check-out of code means there is a possibility that changes by developers in different repositories will conflict. To resolve those possible conflicts, after the functional development packages are approved within each of the at least two software code repositories, omissions or conflicts are identified and resolved between the approved functional development packages in the at least two software code repositories.

In summary, Chu discloses a software code check-out system. That disclosed system uses code check-out as a way to prevent conflicts by developers. By contrast, in claim 1 there is no requirement for check-out of the software code. This lack of requirement for check-out allows true concurrent software development in the at least two software code repositories. Two developers can work concurrently in the same module at the same time. Because there is a possibility that such concurrent development will produce conflicts, claim 1 also recites after

approving packages within each of the at least two repositories, then identifying and resolving omissions or conflicts between the approved packages in the at least two repositories.

Claims 2-8 depend from claim 1 and are allowable at least for the reasons provided above.

**Claims 9, 10 and 11**

The Examiner has rejected claims 9, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Steinman and further in view of Chu for the same reasons as for claim 1.

Claims 9-11 have limitations that are similar to claim 1 and the claims have been amended to generally correspond to claim 1. Therefore, Applicants submit that the rejection of those claims is also overcome and ask the Examiner to withdraw the rejection.

**Claim 12**

The Examiner has rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Steinman and further in view Chu.

The Examiner acknowledges that Steinman does not explicitly disclose the actual multi repository environment and relies on Chu for a teaching that distributed code development was known in the art of software development and management. The Examiner's stated motivation for modifying Steinman to incorporate Chu was to allow programmers to develop and manage applications in a geographically distributed environment.

Applicants respectfully traverse the rejection.

Applicants first note that claim 12 states "identifying projects for a SMALLTALK software development cycle; initiating concurrent SMALLTALK software code development with ENVY/DEVELOPER of functional development packages in at least two software code repositories, the code repositories at physically distinct locations without requiring software code

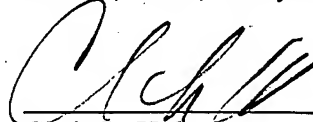
check-out at any of the at least two software code repositories; submitting the functional development packages for manager approval within the respective software code repository; automatically submitting the functional development packages for code owner approval; automatically identifying omissions and conflicts between the functional development packages in the at least two software code repositories, the code repositories at physically distinct locations; resolving the omissions or conflicts between the functional development packages in the at least two software code repositories, the code repositories at physically distinct locations; regression testing the functional development packages; approving the functional development packages; and releasing the functional development packages.”

For reasons that are substantially the same as discussed above with respect to claim 1, applicants submit that the combination of Steinman and Chu does not teach or suggest these features of claim 12, and that the Examiner’s bases for rejection of claim 12 over Steinman and Chu is overcome.

V. Request for Reconsideration

Applicants respectfully submit that the claims of this application are in condition for allowance. Accordingly, reconsideration of the rejection and allowance is requested. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

Respectfully submitted,  
Milbank, Tweed, Hadley & McCloy LLP



Chris L. Holm  
Reg. No.: 39,227

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Milbank Tweed Hadley & McCloy LLP  
1 Chase Manhattan Plaza  
New York, NY 10005  
(212) 530-5000 / (212) 530-5219 (facsimile)